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SEC

SERVICE DATE - LATE RELEASE JANUARY 8, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42072

CAROLINA POWER & LIGHT COMPANY
v.
NORFOLK SOUTHERN RAILWAY COMPANY

Decided: January 8, 2004

In a decision served on December 23, 2003 (December 23 decision), the Board found that rates charged by Norfolk Southern Railway Company (NS) for the transportation of coal from origins in West Virginia, Kentucky, and Virginia to Carolina Power & Light Company's (CP&L) generating facilities at Mayo and Hyco, NC, exceeded maximum reasonable levels.

In a petition filed on January 6, 2004, CP&L requests an extension of the January 12, 2004 due date for filing petitions for reconsideration of the December 23 decision. CP&L maintains that it needs an extension of time until January 20, 2004, because the seasonal holidays and illness have limited the amount of time CP&L and its counsel and consultants have had to review and evaluate the decision. CP&L states that NS has no objection to the requested extension. The extension request is reasonable. The due date for any petitions for reconsideration of the December 23 decision will therefore be extended until January 20, 2004.

It is ordered:

1. CP&L's request to extend the due date for filing petitions for reconsideration of the December 23 decision until January 20, 2004, is granted.
2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary